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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,544	04/15/2004	Yutaka Nagao	251896US6	6525

22850 7590 12/05/2008

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EXAMINER	
WORJLOH, JALATEE	

ART UNIT	PAPER NUMBER
3685	

NOTIFICATION DATE	DELIVERY MODE
12/05/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/824,544	NAGAO, YUTAKA	
	Examiner	Art Unit	
	Jalatee Worjloh	3685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 August 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-9 and 11-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-9 and 11-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office Action is responsive to the amendment filed August 25, 2008/

2. Claims 1, 3-9 and 11-17 are pending.

Response to Arguments

3. Applicant's arguments filed August 25, 2008 have been fully considered but they are not persuasive.

4. Applicant argues that Akashi "does not disclose that the contents ID and the contents use condition, themselves, are license information (i.e. a first license information and a second license information), or that the contents ID and the contents use condition include usage conditions."

However, the Examiner respectfully disagrees. Claim 1 recites "a storage unit configured to store first license information corresponding to the content information" and "a receiving unit configured to receive second license information corresponding to the content information". Akashi teaches a content ID, which corresponds to license information (see paragraphs [0059] & [0070]) and usage information, which is the second license information (see paragraph [0071]).

5. Applicant argues that Akashi "fails to disclose a license processing unit configured to determine whether the second license information is of an add attribute or an overwrite attribute, and to combine the first license information and the second license information based on the determination of whether the second license information is of the add attribute or the overwrite attribute".

However, the Examiner respectfully disagrees. Akashi discloses receiving a detected signal indicating completion of reproduction of contents, and also outputting the contents use condition. Upon receipt of the reproduction detected signal, the use condition updating means reads the contents use condition and produces updated content use condition by updating the contents use condition. See paragraphs [0143] & [0144]. Further, the linking means links the updated content use condition from the contents use condition updating means with the content ID to produce updated license information (see paragraph [0145]). Thus, a determination is being made before the content is updated and linked.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 4, 6-9 and 11-17 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 20020026424 to Akashi.

Referring to claim 1, Akashi discloses storage unit configured to store first license information corresponding to the content information (see paragraph [0059] & [0070] – the license information is stored, the license information includes content ID), receiving unit configured to receive second license information corresponding to the content information (see

paragraph [0071] – the use condition is received) and licensing processing unit configured to determine whether the second license information is of an add attribute or an overwrite attribute and to combine the first license information and the second license information based on the determination of whether the second license information is of the add attribute or the overwrite attribute wherein the content information is operated according to license information obtained by combining the first license information and the second license information and the storage unit is configured to store the license information obtained by combining the first license information and the second license information (see paragraphs [0072], [0073], [0151] - [0153]).

Referring to claim 4, Akashi discloses the apparatus wherein, when the second license information is determined to be the add attribute, the license processing unit is configured to add a part or all of the second license information to the first license information (see paragraphs [0151] –[0153]).

Claim 9 is rejected on the same rationale as claim 1 above.

Claims 11 and 17 are rejected on the same rationale as claim 4 above.

Claim 15 is a system that performs the process of claim 1 above; therefore, this claim is rejected on the same rationale as claim 1 above.

Claims 6-8, 12-14 are rejected on the same rationale as claim 4 above.

As per claim 16, Akashi discloses the apparatus wherein the first license information and the second license information have the same data structure (see claim 1 above).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akashi as applied to claim 1 above.

Referring to claim 3, Akashi discloses overwriting license information (see paragraph [0044]). As for overwriting the first license information with the second license information this is considered nonfunctional descriptive material. The overwriting step would be performed the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack,* 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to overwrite information with any type of content because of the subjective interpretation of the data does not patentably distinguish the claimed invention.

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akashi as applied to claim 1 above, and further in view of US Patent No. 7127431 to Kambayashi et al. ("Kambayashi").

Akashi discloses the apparatus wherein, when the second license information is determined to be the add attribute, the license processing unit is configured to add a part or all of the second license information to the first license information (see paragraphs [0151] –[0153]

and adding a decryption key). Akashi does not expressly disclose wherein, by use of key information unique to said information processing apparatus, and electronic signature is appended to the license information obtained by combining the first license information and the second license information by the license processing unit. Kambayashi discloses adding digital signatures to license information (see Fig. 1 & associated text). At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the license information of Akashi to include digital signatures because the simple substitution of known element for another producing a predictable result renders the claim obvious.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 571-272-6714. The examiner can normally be reached on Monday - Friday 10:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin Hewitt II can be reached on 571-272-6709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for regular communications and 571-273-6714 for Non-Official /Draft.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jalatee Worjloh/
Primary Examiner, Art Unit 3685